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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,611	01/08/2004	Frank Einig	1-24996	8919

46582 7590 10/15/2004

MACMILLAN, SOBANSKI & TODD, LLC
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EXAMINER

RODRIGUEZ, PAMELA

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/753,611	Applicant(s) EINIG ET AL.	
	Examiner Pam Rodriguez	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 4, 7 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/08/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. In the IDS filed January 8, 2004, under the "Other Documents" section, these two entries have been lined through as they are not proper listings for a PTO form 1449. However, the documents referenced in these citations have been reviewed by the examiner.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
Non-initialed and/or non-dated alterations have been made to the oath or declaration, in particular to the residence of the last named inventor, Mr. Michael Bleser. See 37 CFR 1.52(c).

Specification

3. The abstract of the disclosure is objected to because in lines 2, 7, and 10 the word "means" is used. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 6, 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by EP document no. 0842836 to Taniguchi et al.

Regarding Claim 1, Taniguchi et al disclose a system for controlling vehicle-movement dynamics (see Figures 25 and 27b), which operates by means of the braking system and the drive train of a vehicle in order to prevent lateral breakaway of the vehicle (see the abstract) having all the features of the instant invention including: a braking moment being produced, by means of the braking system, on the front wheel on the outside of the bend, and an additional drive moment being built up, by means of the drive train, on the driven wheels, for the purpose of preventing oversteering of the vehicle, and wherein a higher-order or lower-order drive-slip control comes into action if the slip on one or more driven wheels exceeds a predetermined value due to the additionally built-up drive moment (see page 25 lines 37-48).

Regarding Claim 2, Taniguchi et al further disclose that the braking moment is first produced on the front wheel on the outside of the bend (see page 25 lines 37-48), and the additional drive moment is built up on the driven wheels only if the oversteer of the vehicle does not decrease after a predetermined period of time (see page 25 lines 37-48 where inherently this limitation is taught by the reference).

Regarding Claim 3, Taniguchi et al disclose that the additional drive moment on the driven wheels is built up only when the braking moment produced on the front wheel on the outside of the bend has attained a predetermined value (see page 25 lines 37-48).

Regarding Claim 5, Taniguchi et al disclose that the additional drive moment is first built up on the driven wheels, and the braking moment is produced on the front wheel on the outside of the bend only if the oversteer of the vehicle does not decrease after a predetermined period of time (see page 25 lines 37-48, where inherently this limitation would be true).

Regarding Claim 6, Taniguchi et al disclose that the braking moment produced on the front wheel on the outside of the bend is built up only when the additional drive moment on the driven wheels has attained a predetermined value (see page 25 lines 37-48).

Regarding Claim 8, Taniguchi et al disclose that an additional braking moment is produced on the rear wheel outside of the bend when the additional drive moment is built up on the rear wheels (see page 18 lines 39-43).

Regarding Claim 10, Taniguchi et al disclose that the additional braking moment is produced on the rear wheel on the outside of the bend only if the oversteer of the vehicle does not decrease after a predetermined period of time (see page 18 lines 39-43).

Regarding Claim 11, Taniguchi et al disclose that the additional braking moment is produced on the rear wheel on the outside of the bend only when the drive moment

produced on the rear wheel on the outside of the bend has attained a predetermined value (see page 18 lines 39-43).

Allowable Subject Matter

6. Claims 4, 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Nishizaki et al., Fukada, and Fukami et al all disclose systems for controlling vehicle movement dynamics which operate by means of their braking systems and the drive trains of their vehicles, wherein braking moments and an additional drive moment are built up on the driven wheels for preventing oversteering of the vehicles.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pam Rodriguez
Primary Examiner
Art Unit 3683
10/4/04

Pr
10/04/04